

January 22, 1999

Ms. Lilia Ledesma-Gonzalez
Assistant City Attorney
City of McAllen
P.O. Box 220
McAllen, Texas 78505-0220



OFFICE OF THE
ATTORNEY GENERAL
STATE OF TEXAS

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Attorney General

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OR99-0199

Dear Ms. Ledesma-Gonzalez

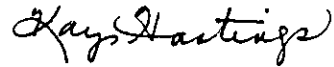
You have asked whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Some of the records at issue are medical records, access to which is governed by the Medical Practice Act, V.T.C.S., article 4495(b). *See* Open Records Decision No. 598 (1991). We will address your section 552.108 argument as to the other records at issue. Your request was assigned ID# 123018.

You assert that the requested information is excepted from disclosure based on section 552.108 of the Government Code. Section 552.108 of the Government Code states that information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from required public disclosure "if release of the information would interfere with the detection, investigation, or prosecution of crime." Gov't Code § 552.108(a)(1). The requestor states that the case resulted in a manslaughter conviction. Nevertheless, you inform us that the requested information pertains to a pending case. We therefore believe that the release of the information "would interfere with the detection, investigation, or prosecution of crime." *Id.*

However section 552.108 is inapplicable to basic information about an arrested person, an arrest, or a crime. Gov't Code § 552.108(c). We believe such basic information refers to the information held to be public in *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App. --Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). Thus, with the exception of the basic front page offense and arrest information, the department may withhold the requested information from disclosure based on section 552.108(a)(1).

particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in cursive script that reads "Kay Hastings".

Kay Hastings
Assistant Attorney General
Open Records Division

KHH/nc

Ref.: ID#123018

Enclosures: Submitted documents

cc: Ms. Jean P. William
P.O. Box 555
San Benito, Texas 78586
(w/o enclosures)